

On June 24, 1929, Armour & Co., claimant, having admitted the material allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$5,800, conditioned in part that it be salvaged under the supervision of this department and the portion found unfit for human consumption denatured.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16917. Adulteration and misbranding of vanilla extract. U. S. v. 210 Bottles of Vanilla Extract. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 24265, 24266. I. S. Nos. 024811, 024812. S. Nos. 2508, 2509.)

On November 18, 1929, the United States attorney for the District of Nebraska, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 210 bottles of vanilla extract, remaining in the original unbroken packages in part at Fort Omaha, Nebr., and in part at Fort Crook, Nebr., alleging that the article had been shipped by the Atlanta Supply Co., Atlanta, Ga., in two consignments, on or about August 29 and August 30, 1929, respectively, and transported from the State of Georgia into the State of Nebraska, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Flavoring Extract Vanilla 40% Alcohol * * * The Atlanta Supply Co., Atlanta, Georgia."

It was alleged in the libel that the article was adulterated in that an artificially colored product deficient in vanilla had been substituted in part for the said article, and in that it was colored in a manner whereby inferiority was concealed.

Misbranding was alleged for the reason that the statement on the label, "Flavoring Extract Vanilla," was false and misleading and deceived and misled the purchaser, and for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On December 27, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

16918. Adulteration and misbranding of preserves. U. S. v. 10 Cases of Strawberry Preserves, et al. Decree of forfeiture entered. Products released under bond. (F. & D. No. 23648. I. S. Nos. 07867, 07868, 07869. S. No. 1854.)

On April 20, 1929, the United States attorney for the District of Idaho, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 cases of strawberry preserves, 10 cases of raspberry preserves, and 5 cases of loganberry preserves, remaining in the original unopened packages at Twin Falls, Idaho, alleging that the articles had been shipped by the Kerr Conserving Co., from Portland, Oreg., on or about March 8, 1929, and transported from the State of Oregon into the State of Idaho, and charging adulteration and misbranding in violation of the food and drugs act. The said cases each contained a number of cans labeled in part: "Kerr's Strawberry (or 'Raspberry' or 'Loganberry') Preserves Compound Sugar Pectin Syrup 45% Kerr Conserving Co., Portland, Ore."

It was alleged in the libel that the articles were adulterated in that pectin, sugar in excess, and acid had been mixed and packed with and substituted in part for strawberry, raspberry, and loganberry preserves, which the articles purported to be.

Misbranding was alleged for the reason that the statements "Strawberry," "Raspberry," and "Loganberry" preserves, borne on the labels, were false and misleading and deceived and misled the purchaser; and in that the articles were imitations of and were offered for sale under the distinctive names of other articles.

On July 15, 1929, the Kerr Conserving Co., Portland, Oreg., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of forfeiture was entered, and it was ordered by the court that the products be released to the said claimant upon payment of costs and the execution of a good and sufficient bond, conditioned in part that they should not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*